

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

SAMUEL PEGO,

Petitioner,

Case No. 15-cv-11976

Hon. Matthew F. Leitman

v.

THOMAS MACKIE,

Respondent.

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**ORDER DIRECTING THE CLERK OF THE COURT TO FILE PETITION  
(ECF #1) IN PETITIONER’S CRIMINAL CASE (12-cr-20486)**

On June 1, 2015, Petitioner Samuel Pego (“Pego”) filed a petition in this Court seeking a writ of habeas corpus pursuant to 28 U.S.C. § 2241 (the “Petition”). (*See* ECF #1.) On June 30, 2015, the Court entered an Order in which it informed Pego that it appeared to the Court he wanted “to challenge the legality of his conviction and sentence ... through a motion under [28 U.S.C.] § 2255.” (ECF #9 at 3, Pg. ID 226.) The Court then informed Pego that unless Pego filed a written objection with the Court by “no later than August 3, 2015,” the Court would (1) “treat the Petition as a motion under § 2255” and (2) “direct the Clerk of Court to file the Petition ... in Petitioner’s criminal case in this Court, *United States v. Pego*, 12-cr-20486 (Ludington, J).” (*Id.* at 5-6, Pg. ID 229.)

Pego has not filed an objection to the Court's June 30 Order and has not in any way indicated to the Court that he objects to the Court treating the Petition as a motion under § 2255. Accordingly, **IT IS HEREBY ORDERED** that the Court will construe the Petition as a motion filed pursuant to 28 U.S.C. § 2255. The Clerk of the Court is directed file the Petition (ECF #1) in Petitioner's criminal case in this Court, *United States v. Pego*, 12-cr-20486 (Ludington, J.), and is further directed to close this case. All further proceedings in this matter shall be conducted in Petitioner's criminal case.

**IT IS SO ORDERED.**

Dated: August 12, 2015

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on August 12, 2015, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113